

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

EDWING AHMED ALVAREZ	§	
VS.	§	CIVIL ACTION NO. 1:21-CV-258
ANTHONY D. ROSS, ET AL.	§	

ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Edwing Ahmed Alvarez, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Anthony D. Ross and Jessica Elder.

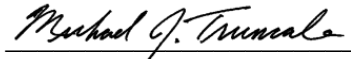
The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends granting Defendants' motion to dismiss and dismissing the action pursuant to Federal Rule of Civil Procedure 12(b)(6). To date, the parties have not filed objections to the report.

The Court received and considered the Report and Recommendation of United States Magistrate Judge pursuant to such referral, along with the record, pleadings and all available evidence. Proper notice was given to Plaintiff at his last known address. *See* FED. R. CIV. P. 5(b)(2)(C). After careful review, the Court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the Report and Recommendation of United States Magistrate Judge [Dkt. 27] is ADOPTED. Defendants' Motion to Dismiss [Dkt. 25] is GRANTED. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

**SIGNED this 19th day of September, 2023.**

A handwritten signature in black ink, reading "Michael J. Truncala", is positioned above a horizontal line.

Michael J. Truncala  
United States District Judge